

SENATE BILL 1240

By Norris

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to the offices of attorney general and
reporter and solicitor general.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, is amended by adding the following as a new part:

8-6-501.

(a) There is created within the executive branch the office of the solicitor general of Tennessee. The solicitor general shall be elected by a joint vote of both houses of the general assembly and shall hold office for a term of four (4) years and until a successor is elected and qualified.

(b) The general assembly shall elect the solicitor general during the first thirty (30) days of the first regular session of the 111th general assembly, and every odd-numbered general assembly thereafter.

(c) The solicitor general may be removed from office upon concurrence of two-thirds of the members of the house of representatives and two-thirds of the members of the senate.

(d) If a vacancy occurs in the office of solicitor general, a replacement shall be elected by a joint vote of both houses of the general assembly to fill the unexpired term of the solicitor general. If the general assembly is not in session when the vacancy occurs, then an interim solicitor general shall be appointed jointly by the speaker of the senate and the speaker of the house of representatives and shall serve until the general assembly reconvenes and elects a solicitor general to fill the unexpired term.

(e) The solicitor general shall:

(1) Be a graduate of an accredited law school and be licensed to practice law in this state;

(2) Have such training or practical experience as may be considered necessary by the general assembly to perform the duties of the office;

(3) Be at least thirty-five (35) years of age; and

(4) Devote full time to the duties of the office and may not engage in the private practice of law.

8-6-502.

(a) The solicitor general shall be executive head of the legal department of the state. The legal department shall consist of the solicitor general and the solicitor general's assistants and employees.

(b) Notwithstanding any law to the contrary, upon the initial election of solicitor general as provided in § 8-6-501(b), the attorney general and reporter is relieved of all statutory duties, rights, privileges, responsibilities, and restrictions imposed by this chapter, except for § 8-6-109(b)(7), and §§ 8-6-201 through 8-6-207, and is relieved of such other duties, rights, privileges, responsibilities, and restrictions as may be imposed upon the attorney general and reporter by other provisions of law.

(c) The attorney general and reporter shall continue to be responsible for reporting the opinions of the supreme court of Tennessee as provided by § 8-6-109(b)(7) and §§ 8-6-201 through 8-6-207.

(d) Notwithstanding any law to the contrary, the solicitor general shall assume all duties, rights, privileges, responsibilities, and restrictions of which the attorney general and reporter is relieved pursuant to subsection (b).

8-6-503.

The solicitor general shall receive the same salary as an associate justice of the supreme court, payable in equal monthly installments out of the treasury of the state by

warrant of the commissioner of finance and administration upon the treasurer. The solicitor general shall employ and, within budgetary limitations, fix the salaries of the solicitor general's assistants and other employees. The solicitor general and the solicitor general's assistants and employees shall be reimbursed for official travel expenses in accordance with the official executive policies governing travel at state expense.

SECTION 2. Tennessee Code Annotated, Section 8-6-103, is amended by redesignating the current section as subsection (a) and adding the following subsection (b):

(b) Upon the initial election of solicitor general as provided in § 8-6-501(b), all assistants assigned to or employed in the office of the attorney general and reporter shall be transferred to the office of the solicitor general and be under the jurisdiction, supervision, and administrative control of the solicitor general, except those assistants who are occupied in the performance of the duties set forth in § 8-6-109(b)(7) and §§ 8-6-201 through 8-6-207. The justices of the supreme court shall designate the number of assistants necessary to perform these functions.

SECTION 3. Tennessee Code Annotated is amended by deleting the words "attorney general" or "attorney general and reporter" wherever the same shall appear, with the exceptions noted herein, and substituting instead the words "solicitor general". The Tennessee code commission is hereby requested to replace references to the attorney general or attorney general and reporter only in the regular course of updating the Tennessee code in regular supplemental volumes and the commission shall not be required to formulate supplements which merely insert the words "solicitor general" it being the intent of this general assembly hereby expressed that wherever the words "attorney general" or "attorney general and reporter" appear, with the exceptions noted herein, they shall be construed to refer to the "solicitor general" after the effective date of this act.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.